

NTSB Order No. EA-3789

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 27th day of January, 1993

Respondent.

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uniformly to adhere to a policy requiring dismissal, absent showing of good cause, of all appeals in which timely notices of appeal, timely appeal briefs or timely extension requests have not been filed. As we discussed in our earlier opinion here (at pps. 2-3), respondent failed to demonstrate good cause to accept his late filing. Nothing in the instant petition warrants a change in our analysis.¹ Furthermore, respondent offers no authority, and we can find none, that would support treatment of his late-filed appeal as a reply.

Finally, respondent challenges our reinstatement of the Administrator's revocation order. Respondent argues that this action was contrary to the law judge's findings of fact and that our legal reasoning was flawed. We disagree and, again, our reasoning is fully explained in our decision. As a general rule, revocation is appropriate for operations under suspended certificates. Respondent stresses that his doing so was not willful or deliberate and, therefore, this extreme sanction should not be imposed. We, nevertheless, continue to believe that respondent's action, in declining to attend the prior hearing and willfully remaining ignorant of its outcome, militates against the leniency of a reduced sanction.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration and modification is denied.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

¹Any adverse effect of certificate revocation on respondent's livelihood is not a factor considered in the analysis of good cause. Moreover, it is also not a factor to be considered in determining the appropriate sanction. Administrator v. Mohamed, NTSB EA-2834 (1988) at p. 11, and cases cited there; Administrator v. Johnson, 5 NTSB 691 (1985) (loss of livelihood or adverse effect thereon is not a clear and compelling reason to reduce sanction). Thus, respondent's urging in this regard must be rejected.